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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,856	07/23/2001	Francois Cunchon	T2147-907330	1182

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MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

EXAMINER
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PERUNGAVOOR, VENKATANARAY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/889,856

Applicant(s)

CUNCHON ET AL.

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) ~~4-5~~ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is response to the application filed on July 23, 2001.

#### ***Priority***

2. The foreign priority claimed is noted and recorded.

#### ***Information Disclosure Statement***

3. The Information Disclosure Statement has been fully considered and non-translated literature has been considered to the extent understood.

#### ***Drawings***

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the text written in the drawings need to be typed and the crossed out French term need to be removed and should be written in English. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Specifications***

5. The Abstract is objected to because it contains reference numbers to drawings, the format is not instructive(i.e. the use of bulleted style to convey the discussion) and is replete with grammatical errors. And also the Abstract uses legal phraseology "said"(line 9,10). Appropriate correction required. See MPEP § 608.01(b). The Examiner suggests submission of a new Abstract that is instructive and follows the conventions of the English language.

### ***Claim Objections***

6. Claim 8 is objected to because the Claim recites "...a parameter a correlation ...", the Examiner believes the Applicant meant "...a parameter of correlation...". Appropriate correction is required.

7. Claim 9 is objected to because of its redundancy as all the limitations are met in Claim 8, and it does not limit other claims. Appropriate correction is required.

### ***Claim Rejections – 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language is not clearly written so as to one having ordinary skill in the art to discern what the invention is.

### ***Claim Rejections – 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2132

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by

Feigen et al. U.S. Patent 5,699,513

12. Regarding Claim 6 see Figure 5 & Col 6 Line 4-55.

The network security layer (9) having an initial state (12) adapted to be switched to a first state (25) that saves an execution context (CE) in an area (52) of the memory (2) upon presentation of the message (M1) **(Fig.5 element 90 & 94)**

The network security layer having a second state (33) and adapted to be switched to the second state to call a first function (F9) for processing the message (M1), passing as parameters of said first function (F9), at least an address (@ F13) of a second function (F13) and a pointer PZS(MI) to the area (52) of the memory (2), the network security layer being switched to its second state (33) upon saving of the execution context (CE) **(Col 6 Line 4-25).**

The network security layer being immediately switched back to the initial state (12) upon an acknowledgement of the first function (F9) before the processing of the message (M1) **(Col 6 Line 35-43).**

The network security layer (9) having a third state (56) and adapted to be switched from the initial state (12) to the third state (56) for restoring the execution context (CE) after which the network security layer (9) is switched back to the initial state in response to a jump to the address (@ F13) of the second function **(Col 6 Line 44-55).**

13. Regarding Claim 11 see Figure 3 & Figure 5 & Col 6 Line 4-55.

Saving an execution context of the network security layer after the presentation of said second message (**Fig 5 element 90 & 94**).

Sending a request for a securing operation by the network security layer to an element outside the network security layer(**Fig 3 element 12**)

Immediately acknowledging by said external element said request so as to place the network security layer in an initial state that does not use any resources of the computing device (**Fig 5 element 98**).

Presenting the message secured by the securing operation that results from said request to activate a restoration of the saved execution context in the network security layer by said external element(**Fig 5 element 110**)

14. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,003,136 to Schanze.

15. Regarding Claim 10 see Figure 6A & Col.6 Line 4-55 & Figure 7A

A first step for modifying, in the code of said standard network security layer, a first code sequence adapted to be activated by the presentation of a message to which a securing operation is to be applied, by inserting into the first sequence, before calling a first securing function (F1), a second code sequence (**Fig 6A element i**)

Art Unit: 2132

Beginning the second code sequence by saving a current execution context (CE) when the first sequence is executed(**Fig 6A element vii**)

Making a call to a second securing function (F9) (**Fig 6A element viii**)

Ending the second code sequence with a first jump to the end of the first code sequence (**Fig 6A element ix**)

A second step for generating a third code sequence of a third function (F13) by copying said first modified code sequence, and then inserting said third code sequence into said first modified code sequence (**Fig 6A element xii**)

Restoring the saved execution context (CE) by a fourth code sequence after a call to the first function (F1) with a second jump to said fourth code sequence at the start of the third sequence (**Fig 7A element 200 item 9 from the top**)

### ***Claim Rejection –35 USC§ 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,699,513 to Feigen in view of U.S. Patent 6,467,021 B1 to Sinclair .

18. Feigen does not disclose several chained pointers adapted to be restored at the time of the jump of said address. However, Sinclair discloses several linked pointers **see Column 7 Line 63- Column 8 Line 6** as it would be easily addressable. It would be obvious to one having ordinary skill in the art at the time of the invention to add several linked pointers to the computing device in order to be easily addressable as taught by Sinclair **see Column 7 Line 66- Column 8 Line 6.**

19. Claim 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5699513 to Feigen in view of U.S. Patent No. 4802230 to Horowitz

20. Feigen does not disclose parameter of correlation variable (VC1). However, Horowitz discloses correlation variable **see Column 22 Line 26-31** to have means of checking variables. It would be obvious to one having ordinary skill in the art at the time of the invention to include correlation variable to the computing device in order to have a means of checking variables as taught by Horowitz **see Column 22 Line 31-35.**

### ***Conclusion***

21. The following patents are cited to further show the state of art in general:

U.S. Patent No. 5414833 to Hershey et al.



U.S. Patent No. 5546453 to Herbert

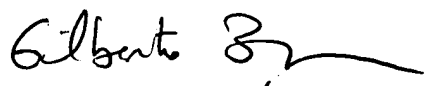
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

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1/31/05

  
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